IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 17335 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AMARSING POHANBHAI VASAVA

Versus

COMMISSIONER OF POLICE

Appearance:

1. Special Civil Application No. 17335 of 2003

MR ANIL S DAVE for Petitioner No. 1

MR KAMEN N SHUKLA for Petitioner No. 1

MR. L.R. PUJARI, LD. AGP for Respondent No. 1-3

RULE SERVED for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE N.G.NANDI

Date of decision: 26/02/2004

ORAL JUDGEMENT

1. Mr. L.R. Pujari, learned AGP has placed on record affidavit in reply on behalf of respondent No.2.

2. By this petition under Article 226 of the Constitution of India the petitioner has been challenging the order of detention No: PCB/PASA/160/2003 dated 3-9-2003 (Annexure-A) passed by Respondent no.1 and prays for quashing and setting aside of the same.

3. From the grounds of detention placed on record it is suggested that the detaining authorities took into consideration 3 cases registered under section 379, 467, 468 and 471 of I.P. Code

4. Mr. K.N. Shukla has placed on record copy of the order date 4-12-2003 passed in SCA No. 14431 of 2003 preferred by co-detenu Atulkumar Prafulbhai Patel. It is suggested therefrom that the petitioner in the said Special Civil Application was set at liberty, quashing and setting aside the detention order passed against him.

5. In the grounds of detention referred to in Special Civil Application No. 14431 of 2003 name of present petitioner is shown as co-detenu. It is submitted that, for the reason of parity the present petitioner is also required to be set at liberty since on the same ground detention order against co-detenu Atulkumar Prafulbhai Patel has been quashed and set aside.

6. Mr. L.R. Pujari, learned AGP does not object to quashing of the impugned order on the ground of parity in view of the order passed in Special Civil Application No. 14431 of 2003.

7. In the result, the petition is granted and accordingly allowed. The impugned detention order No: PCB/PASA/160/2003 dated 3-9-2003 (Annexure-A) passed under the Prevention of Anti Social Activities Act, 1985 by Respondent No.1 is quashed and set aside. The petitioner detenu - Amarsing Pohanbhai Vasava is ordered to be set at liberty forthwith, if not required in any other case. Rule is made absolute accordingly. Direct service permitted.

DT: 26-2-2004 (N.G. Nandi, J)

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